

3:05cv238

Defendants.

ORDER

To facilitate that proposal, respective counsel are advised that Honorable Robert J. Conrad, Jr., United States District Judge, has informed the undersigned that he will apply the same principles to pretrial case management that Honorable Lacy H. Thornburg, United

States District Judge, applies in the Asheville Division. With that in mind, respective counsel should be prepared to reach trial within one year, as well as present class certification and dispositive motions in an orderly fashion. Counsel are advised that this court runs a trial docket where civil cases are not routinely continued, and that summary judgment motions filed before the conclusion (or, in this matter, the start) of discovery are routinely denied where an adequate showing is made under Rule 56(f), Federal Rules of Civil Procedure. See Evans v. Technologies Applications & Service Co., 80 F.3d 954 (4th Cir. 1996) (“summary judgment is appropriate only after “adequate time for discovery.””) Finally, as local counsel for both sides of this action are aware, the practice in the Western District of North Carolina is collegial and professional and remains focused on the merits of the action rather than any disputes that may arise between opposing counsel.

ORDER

IT IS, THEREFORE, ORDERED that Bank of America defendants’ “Expedited Motion of Bank of America Defendants to Stay Briefing and Resolution of Plaintiffs’ Motion for Partial Summary Judgment on Counts I, II and IV of the Second Amended Complaint” is **ALLOWED**, all briefing is stayed on all motions and issues, and an Initial Pretrial Conference is **CALENDARED** for August _____, 2005, at _____, in Asheville, North Carolina.

Signed: August 11, 2005

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

